

STEVEN SCHORR
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STATE BAR NO. 126312

Attorney for Petitioner
ANTHONY DANIEL GONZALES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY DANIEL GONZALES,

Petitioner **CV**

v.

JAMES E. TILTON, SECRETARY,
CALIFORNIA DEPARTMENT OF
CORRECTIONS

Respondent

and

EDMUND G. BROWN,
THE ATTORNEY GENERAL OF THE STATE
OF CALIFORNIA,

Additional Respondent

) Civil No. _____

) **08 3378**

)
)
)
)
) MOTION FOR
) APPOINTMENT
) OF COUNSEL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to 18 U.S.C. section 3006A(a)(2)(B), petitioner respectfully applies for the appointment of counsel. This application is supported by the attached declaration of Steven Schorr, Exhibit A.

FILED
08 JUL 14 AM 11:58
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
E-11118

RMW

Dated: July 10, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Schorr', with a long horizontal line extending to the right.

STEVEN SCHORR
Attorney for Petitioner,
ANTHONY DANIEL GONZALES

DECLARATION OF STEVEN SCHORR

I am an attorney licensed to practice in the State of California. I am also a member of the bar of this court.

I am an attorney in solo private practice in San Diego. My practice is substantially devoted to the representation of indigent defendants on appeal. Virtually all of my caseload, and often the entirety of my caseload for extensive periods of time, derives from such appointments. In this regard, I receive payment for my professional services based on the compensation rates provided by the State of California for appellate appointment. Depending upon the nature and complexity of the case, my services are compensated at the rate of either \$105.00 or \$95.00 per hour. However, since my claims for payment are subject to the application of guidelines governing the compensable number of hours for defined categories of services, my claims are subject to review and reduction; and, since the actual hours necessary to perform such services often exceed the amounts allowed by the guidelines, the effective rate of compensation is somewhat less than the published rate. Because of the nature of my practice, I am quite limited in the amount of pro bono work which I can perform.

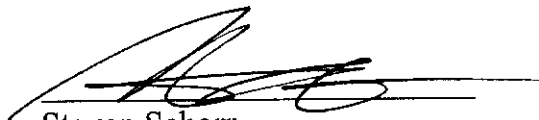
Pursuant to a recommendation made by the Sixth District Appellate Program ("SDAP") to the Sixth District Court of Appeal, I served as counsel of record in this case in association with SDAP under appointment of the Court of Appeal. However, neither I nor SDAP receive any financial remuneration for work performed on collateral federal habeas corpus proceedings.

Nonetheless, in this case, I reached the conclusion, after consultation with SDAP, that petitioner had meritorious claims to advance in federal court. Thus, I felt duty bound to pursue a federal writ on petitioner's behalf. To this end, I have prepared a detailed petition for writ of habeas corpus. In this regard, the issues in this case are complex, and it is respectfully submitted that the pleading I have prepared will be of substantial use to the court in resolving the questions presented.

For the foregoing reasons, it is respectfully requested that this court issue an order appointing Steven Schorr as petitioner's counsel of record and that such order apply retroactively so as to include, and permit appropriate compensation and reimbursement for, the preparation of the petition for writ of habeas corpus, the supporting memoranda of points and authorities and the professional services and expenditures reasonably related thereto.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Santa Clara, California on July 10, 2008.



Steven Schorr

PROOF OF SERVICE

I declare that I am over the age of 18, not a party to this action and my business address is P.O. Box 910496, San Diego, California 92191. On the date shown below, I served the within MOTION FOR APPOINTMENT OF COUNSEL to the following parties hereinafter named by:


X Placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Santa Clara, California, addressed as follows:

Attorney General's Office
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Attn: Jeffrey M. Laurence, DDA
[Counsel for Respondent]

James E. Tilton, Secretary
California Department of Corrections
1515 "S" Street
Sacramento, CA 95814

Anthony Daniel Gonzales
#V-97347
California State Prison - Solano
P.O. Box 4000
Vacaville, CA 95696

I declare under penalty of perjury the foregoing is true and correct. Executed this 11th day of July, 2008, at San Diego, California.



Steven Schorr